

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CARLOS BASTARDO VALE,	:	CIVIL ACTION NO. 1:15-CV-2249
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
MARY SABOL, Warden of York County Prison, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 11th day of February, 2016, upon consideration of the report (Doc. 14) of Chief Magistrate Judge Martin C. Carlson, recommending that the court dismiss the petition (Doc. 1) for writ of habeas corpus by petitioner Carlos Bastardo Vale (“Vale”) as moot and without prejudice given that Vale has received the relief his petition sought, to wit: an individualized bail hearing before an immigration judge and release from Immigration and Customs Enforcement custody pending completion of his removal proceedings, and it appearing that Vale did not object to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy

itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Carlson’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 14) of Chief Magistrate Judge Carlson is ADOPTED.
2. Vale’s petition (Doc. 1) for writ of habeas corpus is DISMISSED as moot and without prejudice.
3. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania